

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2082 OF 2018
IN
REJECTED CASE NO. 2816 OF 2016**

Mahadev Appa Patil (deceased)
through LRs. & Ors. ... Applicants

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Anand S. Patil for the Applicants.

CORAM : R.I. CHAGLA, J.

DATED : 13th DECEMBER, 2022.

ORDER :

1 The present Civil Application has been filed for restoration of First Appeal (St.) No.14594 of 2016 by recall of order dated 13.10.2016 passed by the Registrar, (Judicial-II), and for condonation of delay in filing the present Civil Application.

2 The Applicant has stated that he is a farmer and has no source of income except farming. In view thereof, there was some delay in filing the Appeal by paying stamp duty. Office objections had been

raised by the Registrar, (Judicial-II), and by conditional order dated 13.10.2016, the First Appeal came to be rejected for non-removal of office objections. The Applicant has stated that due to non-payment of stamp duty, the First Appeal could not be filed and/or office objections removed. The Applicant has stated that he has good grounds in the First Appeal and great prejudice would be caused to the Applicant if the First Appeal is not restored.

3 Having considered the averments in the Civil Application, in my view, a case has been made out for grant of relief sought for in the Civil Application. Further, the non-compliance of office objections have been satisfactory explained and the present Civil Application had been taken out with slight delay after the conditional order dated 13.10.2016 resulted in the First Appeal being dismissed. The delay is of 35 days in filing the Civil Application which requires to be condoned. Hence, the following order is passed :

- i) The First Appeal (St.) No.14594 of 2016 is restored to the file by recall of the conditional order dated 13.10.2016.
- ii) Delay of 35 days in filing the Civil Application is condoned.

iii) The Applicant is granted three weeks time from today for removing office objections failing which the First Appeal shall stand rejected without further reference to the Court.

iv) Civil Application is accordingly disposed of.

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(R.I. CHAGLA, J.)